

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

QUAMAYNE SIMMONS,

Plaintiff,

v.

CAUSE NO. 3:22-CV-783-JD-MGG

LIVERS and ALLEN,

Defendants.

ORDER

On November 20, 2023, a Notice of Death of Quamayne Simmons was filed. ECF 42. Federal Rule of Civil Procedure 25(a)(1) provides, "If a motion [to substitute] is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." More than 90 days have passed since the notice was docketed. To date, no motion to substitute has been filed. Therefore, this case must be dismissed.

For these reasons, this case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED on February 29, 2024

/s/JON E. DEGUILIO  
JUDGE  
UNITED STATES DISTRICT COURT